

REMARKS

The undersigned would like to thank Examiner Kramer for the courtesies he extended to the undersigned and David Murray during the personal interview conducted on June 21, 2005. As indicated during the interview would happen, Applicants have amended the independent claims to assure that each of them recites that the units of inventory correspond to opportunities to advertise. Applicants have also added where necessary the concept of "frequency" and "reach" so that each independent claim clearly recites these aspects of the invention, borrowing from the language of claim 4. These features were emphasized during the personal interview. The undersigned did not mean to suggest that claim 1 would incorporate each of the recitations in claim 4 but rather those that denoted 1) units in the form of opportunities and the concepts of 2) "reach" and 3) "frequency".

During the interview, the Grosh et al. patent was discussed with reference to the rejection of claims 1-11 as allegedly being anticipated under the standards of under 35 U.S.C. §102(e). During the interview, Applicants pointed to language in the original claims to serve to distinguish the present invention from the applied art. However, during the interview the concept of "scenarios" was brought out and Applicants pointed out that applied art did not have scenarios, particularly when it was understood that the scenarios were various combinations of units grouped together to meet a buyers criteria, wherein the buyers criteria includes a number of people and frequency people will be exposed to the advertisement.

In marked contrast, Grosch et al. discloses a valuation and pricing system for determining the price of information-related products according to one or more pricing models (Grosch et al. at abstract; Col. 2, lines 61 - 67). The seller selects a

pricing model for governing the pricing of the information product (Col. 2, lines 62 - 64; Col. 6, lines 24 - 27). The selected pricing model considers one or more dimensions associated with the information product for valuing and determining the price of the product (Col. 3, lines 59 - 63; Col. 6, lines 21 - 23). The selected pricing model result is a price quote for the product being desired to be purchased by a buyer (Col. 2, lines 64 - 67; Col. 7, lines 15 - 26).

It should be clear that the Grosh et al. patent does not involve advertising and certainly would not anticipate or be modified to include buyer's criteria that included a number of people and frequency people will be exposed to an advertisement.

Applicants also discuss the rejection of claims 12-21 under 35 U.S.C. §102(e) as allegedly being anticipated by the Dedrick patent (U.S. Patent No. 5,724,521). The Dedrick patent discloses an apparatus and method for creating and providing electronic advertisements to end user consumers (Dedrick at abstract; Col. 1, lines 63 - 65; Col. 4, lines 3 - 4). A publisher/advertiser is provided software tools for creating and for storing advertisements on a content database (Col. 4, lines 3 - 10). A user profile/characteristics database is built and maintained to permit the publisher/advertiser to target desired consumers (Col. 3, lines 29 - 54; Col. 7, lines 16 - 28). A consumer scale is generated that represents the value that particular advertisements are to the advertiser in terms of the characteristics of the consumers who will access the advertisements (Col. 4, lines 59 - 64). The consumer scale provides a mechanism for determining the pricing of the advertisement to the advertiser (Col. 5, lines 14 - 20) according to the degree this scale is met.

As explained during the interview, if the advertisement of the Dedrick patent reaches the level demarked by the consumer scale, the price in the advertisement

will go up, whereas if it falls short of the scale, it goes down. This system, as with the Grosh et al. patent, it does not involve close "scenarios" as this term is meant in the claims i.e., scenarios wherein various combinations of units are grouped together to meet a buyer's criteria, wherein the buyer's criteria includes a number of people and frequency people will be exposed to an advertisement.

It is noted in passing that other distinctions lie in the claims, including the recitations regarding predetermined pricing considerations as recited in claims 3 and 14, for instance, the revenue maximization systems use of seller forecasting, revenue forecasting, fuzzy rules and pricing adjustment. Additionally, though not discussed during the interview, the revenue maximization system can change the number of units available, which is a concept completely unique to the present invention and is recited in claim 6 and 17, for instance. Additionally, the history of the buyer does not appear to be reflected in the purchase price of any of the prior art sellable items as recited in claim 9, for instance for geographic demarcation as recited in claim 11, for instance. The applied art tends to be Internet based and geographic demarcations do not play as big a role in internet based businesses.

In light of the foregoing, Applicants respectfully request reconsideration and allowance of the above-captioned applications. It is believed that patentable distinctions in the claims have been brought out in the foregoing comments. Should

any residual issues exist, the Examiner is invited to contact the undersigned
at the number listed below.


Respectfully submitted,

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